

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PERRY MACKALL

Plaintiff,

v.

Case No. 05-71416
Honorable Victoria A. Roberts
Magistrate Mona K. Majzoub

BETH DAVIS

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE MAGISTRATE JUDGE

On November 8, 2005, Magistrate Judge Mona K. Majzoub submitted a Report and Recommendation [Doc. 17] recommending that the Court Dismiss Plaintiff's Complaint for failure to state a claim upon which relief can be granted and dismiss Defendant's Motion to dismiss or for revocation of pauper status [Doc. 11] and Motion to extend time [Doc. 16] as moot.

Because the Court has not received objections from either party within the time frame provided for in 28 USC § 636(b)(1) and E.D. Mich. LR 72.1(d)(3), the Court adopts the Magistrate Judge's Report and Recommendation. The Court, therefore, **DISMISSES** Plaintiff's Complaint for failure to state a claim upon which relief can be granted.

IT IS SO ORDERED.

s/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: November 22, 2005

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on November 22, 2005.

s/Linda Vertriest
Deputy Clerk